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**THE INDEPENDENT  
FOOTBALL OMBUDSMAN**

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**IFO COMPLAINT REF: 15/03**  
**REQUESTS FOR REFUNDS & CUSTOMER SERVICE**  
**STANDARDS AT BLACKPOOL**

**The Role of the Independent Football Ombudsman (IFO)**

1. The office of the IFO was established by the three English football authorities (The Football Association (FA), The Premier League and The Football League) with the agreement of Government. The IFO has been designated as the final stage for the adjudication of complaints which have not been resolved within football's complaints procedure. The IFO operates a system of non-binding arbitration. IFO Adjudications will normally comprise two parts: an impartial assessment of the substantive complaint and a review of the procedure by which the complaint was handled. The IFO's role is to investigate the complaint and judge whether it was dealt with properly and whether the outcomes were reasonable for all parties concerned. Under the procedure agreed by the Football Governing Bodies, the adjudication of the IFO is final and there is no right of appeal against IFO findings.
2. The IFO confirms that in investigating these complaints he has received the cooperation of Blackpool FC and the Football League. Unusually, this case does not involve a specific complainant. In view of the volume of complaints expressing

similar grievances, it was agreed with the Football League that the IFO would mount a collective investigation, drawing on the evidence submitted by several complainants.

### **The complaints**

3. A number of Blackpool supporters complained that they were unfairly induced into buying one or two-year season tickets and that they had been unable to obtain the refunds to which they believed they were entitled. They further complained that they had experienced long delays in getting a response from the Club, despite sending multiple messages to the Chairman. In some cases, it was alleged that no response had ever been received.

### **The facts of the case**

4. In April 2014, towards the end of the 2013-14 season, Blackpool FC launched a season ticket offer. Prices were frozen for the following season (2014-15) and, furthermore, supporters who were willing to commit to and pay for a second season (2015-16) were offered tickets at the same price. In short, Blackpool were offering supporters the chance keep the same season ticket price for three seasons (ie. 2013-14, 2014-15 and 2015-16). The promotional leaflet launching the offer was headed **"IT'S IN MY BLOOD"** and had the following text

- **Price freeze on 2014/15 season tickets**
- **Two-year season ticket deal introduced**
- **Get your seat for the next TWO seasons for ONLY £390.60**

Pro-rata offers were made for youths and children on the same basis and there was a monthly payment option. The two year monthly option had an interest rate of half of that for the one season deal. A deadline of 21 June 2014 was set for the purchases of tickets under these offers. The Club estimated that the deal would equate to £8 per match, which it claimed was the lowest in the Championship.

5. On 12 June Blackpool announced the appointment of José Riga as the Manager and placed the following statement on the Club website

**...there is now a revolution underway at Bloomfield Road – and you can be part of it. The new boss has set his sights on building a new Blackpool squad for the 2014/15 Championship season and has called for everyone to stand together.**

**Supporters have until 4pm on Saturday 21 June to renew their existing season ticket seat for the new campaign, with the current discount deadline also expiring at the same time.**

The Club states that at the end of the 2013-14 season it released/lost 25 players and that the so-called “Riga Revolution” was meant to relate to the transformation of the playing squad, for which 20 new players were signed during his tenure.

6. Even before the season began some supporters, disappointed by the alleged lack of investment in the Club illustrated by a playing staff of 8, began to demand refunds on their season tickets. Indeed, in late July the IFO received complaints from two Blackpool supporters. One expressed the fear that she “may have been duped into buying season tickets”, while the other claimed that the Chairman “has clearly mis-sold these tickets .... I want my money back for failing to deliver on his promises”. The supporters considered in this Adjudication submitted their initial claims for refunds to the Club between July and November 2014.

7. These supporters reported similar experiences in receiving limited (or no) response from the Club, sending in multiple messages and ultimately receiving a rejection of their claim early in 2015, with no reason stated. The complainants contacted the Football League on several occasions and were advised that the governing body had been in touch with the Club about the failure to keep the supporters informed about the status of their refund requests. The League also confirmed that refund policy and practice was a matter for individual clubs and in this case any refunds were within Blackpool FC’s discretion. The IFO received a steady stream of correspondence from Blackpool supporters about a variety of concerns during the spring of 2015 and was in regular contact with the Football League. In May it was agreed with the League that in view of the volume of complaints, the IFO would begin a collective adjudication to explore the issues raised by Blackpool supporters.

### **The investigation**

8. The IFO received 75 messages from Blackpool supporters during the season, the majority of which raised issues which did not fall within the IFO remit. These included

- Claims that the Chairman was not a fit and proper person to run a football club
- Protests concerning the Chairman's comments about fans
- Criticism of the Chairman for taking legal action against supporters for defamation
- Allegations that the Premier League parachute payments had not been properly used
- Condemnation of the lack of investment in the playing squad, the pitch and the training ground

These were matters either relating to the internal management of the Club or for the Football Association and the Football League to address. The IFO investigation therefore focussed on the five supporters who had been unsuccessful in their claim for a refund, had then taken their cases to the Football League and had subsequently referred their complaints to the IFO. These supporters submitted extensive correspondence with both the Club and the League which has been carefully reviewed. In May the IFO and Deputy visited the League HQ to discuss with senior officials the many complaints received and how best to deal with them. In July the IFO met with the Club Chairman personally to hear the Club's perspective on the issues raised. The IFO considered the complaint summary produced by the Football League and the evidence supplied by the Club in response to IFO queries.

### **The Findings**

9. The IFO is not a legal tribunal. Insofar as the complaints relate to alleged breach of a commercial contract between Blackpool FC and the supporter, the latter has the option to pursue legal action. One of these complainants has indeed submitted an unsuccessful case to the Small Claims Court. (Another case from a supporter not known to the IFO is pending). The IFO is charged in its Terms of Reference to "have regard to best practice in commercial matters within professional football". In the light of this, the Adjudication judges not whether in the IFO's opinion there has been a legal breach of contract, but whether Blackpool treated supporters fairly and reasonably in the sale of the season tickets and the requests for refunds.

10. The complainants submit a variety of reasons why they feel entitled to a refund, the main points of which are three-fold:

- The Chairman made a number of statements about learning from the mistakes of the past and promising to invest in the playing staff. When only 8 contracted players were available and pre-season friendlies had to be cancelled, supporters argued that the Club had failed to deliver on the promises which had led them to purchase a season ticket
- The so-called Riga Revolution was linked to the season ticket offer and the prospect of a new style European approach induced many supporters to make a purchase. In the event the Riga Revolution fizzled out, the manager was dismissed and the playing record was poor.
- The Chairman's behaviour breached the bond of trust with supporters. His criticism and alleged "goading" of fans, his pursuit of legal action condemned as vindictive and his cavalier indifference to the fortunes of the Club were cited as evidence that relations with supporters were fractured. This justified a refund.

As was clarified in Paragraph 8, the third group of comments falls outside the IFO remit, so the focus is on the first two. How far is it reasonable to cite these reasons for purchasing the tickets and how far was the failure to deliver a sustainable reason for a refund?

11. To put the issue in perspective it is useful to cite some figures. Blackpool FC sold over 8000 season tickets between April and June 2014, 47% for the two year deal. As discussed earlier, the season ticket promotion was launched a full two months before the new manager was appointed and just over a third of renewals were processed before the 12 June statement. It would not be uncommon to find supporters, like other consumers, delaying a financial commitment until near the deadline, so the figures do not conclusively establish a link between the Riga Revolution and ticket sales. The Club has supplied detailed figures to the IFO about the costings. Including 2013-14, which had already involved a price reduction, the three year programme (comprising a price reduction, a price freeze and the two year deal), cost the Club about £1m in lost potential revenue. The Club argues that this was a subsidy made possible by "the parachute payments to benefit supporters". The Club informed the IFO that it had received about 50 requests for refunds none of which had been granted.

12. The Football League advised the complainants that there are no League regulations about refunds and that clubs as independent businesses make their own policies. Blackpool's club customer charter states "Season ticket refunds will only be granted in extenuating circumstances". The Club informed the IFO that refunds had previously been granted for home removals away from the area, illness and bereavement. So, do the circumstances highlighted by the complainants fall into the category of "extenuating circumstances" and justify a refund? In the IFO's opinion they do not. Much of the correspondence and of the conversations with the League involved the two year deal. In the event the issues of principle are the same for both deals and of the five complainants two purchased a one year ticket and three opted for the two year deal. The issue at stake is whether the tickets were mis-sold. In the IFO's opinion this was an attractive financial deal for supporters and was always likely to be a popular incentive. The Club was offering two seasons of matches for little more than supporters had paid for the season 2012-13 alone. Even the one year deal protected the fans from any price increase. The terms of the promotion have been stated and they did not mention any specific performance outcomes or investment commitments. The nearest the promotions came to linking playing performance with ticket purchase was in the phrase "you can be part of it". It is accepted that the Chairman's positive statements and the appointment of a new manager will have created an optimistic feeling around the Club, but then most fans look forward with hope when their club begins a new season.

13. The IFO finds that the season ticket offers were in the fans' interest and were not mis-sold. The claims for refunds were in effect "buyer's remorse", admittedly exacerbated by the emotions understandingly induced by all the other distressing events at the Club, which even the Chairman admits had become something of a "laughing stock". Given the ambiguity about what obligations were implied by the purchase of a season ticket, the IFO was surprised to find that there were no terms and conditions relating to season tickets. This should be remedied by the Club. **The IFO recommends that Blackpool FC develops clear and concise terms and conditions for season ticket purchase which clarify expectations on both sides, such that supporters' rights on resales and refunds are clear.**

14. The complainants and others who contacted the IFO reported long delays in getting a response from the Club. Despite advice from the Football League it is clear that Blackpool consistently failed to meet its own stated charter commitment “to respond to contact from a customer within a maximum of 14 days”. The use of the term “customer” is important in the context of the recent fractious relationship with fans. The Chairman informed the IFO that many threatening, abusive and sometimes obscene messages had been received and the IFO accepts that such messages did not merit a response. Yet the cases investigated here did involve genuine customers who were dissatisfied with their purchase and they were entitled to a courteous and prompt reply even if it was unlikely that their claims would be accepted. The club is family owned and has a simple managerial structure which means that nobody in the Club could deal with these complains other than the Chairman himself. He suggested that he had delayed making a decision on refunds until he knew the outcome of legal claims. The dates are difficult to reconcile here, since letters refusing the refund were sent out in January 2015, while the County Court case was dismissed in February. It was not unreasonable to take time to consider the large volume of refund requests. But it was unreasonable for the fans to be ignored or left in limbo, unaware of the status of their claims. **The IFO upholds the complaints in relation to delays or omissions in responses to customers and finds serious shortcomings in customer service standards. The IFO recommends that Blackpool urgently improves its customer service, particularly in relation to meeting its own targets for timely responses to supporters.** It is suggested that the Club works closely with the Football League customer service team to assist in making the necessary performance improvements.

## **Conclusion**

15. The IFO has sympathy for Blackpool fans who have seen their Club relegated, in the context of frayed relationships and regular unedifying media coverage of the traumas at the Club. The disappointment over what were seen as unfulfilled promises did not, however, justify the accusation that the season tickets were mis-

sold. The IFO finds that the offers represented a good deal for supporters, in effect a subsidy funded by the parachute payments. Conversely, the supporters were justified in criticising Blackpool's customer service standards, which are in need of dramatic improvement.

**Professor Derek Fraser, Ombudsman**  
**Alan Watson CBE, Deputy Ombudsman**

**16 July 2015**